



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed May 19, 2021

  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re

THINK FINANCE, LLC, *et al.*,

Debtors.

-----  
THE HONORABLE RUSSELL F. NELMS  
(RET.), LITIGATION TRUSTEE FOR THE  
THINK FINANCE LITIGATION TRUST,

Plaintiff,

v.

ELEVATE CREDIT, INC.,

Defendant.

Confirmed Chapter 11

Case No. 17-33964-hdh

(Jointly Administered)

Adv. Case No. 20-03099-hdh

**AGREED AMENDED SCHEDULING/DOCKET CONTROL ORDER**

1. Disclosures pursuant to FRCP 26(a)(1) shall be exchanged by the parties no later than thirty (30) days after the Rule 26(f) conference is held by this Court.
2. NEW PARTIES shall be joined by: January 4, 2021  
The Attorney causing the addition of new parties will provide copies of this Order to new parties.
3. PLEADING AMENDMENTS shall be filed by no later than this date.  
DUE DATE (Any responsive pleadings can be filed within 14 days after receipt of a pleading): April 30, 2021
4. DOCUMENT DISCOVERY will be completed by this date. Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline.  
DUE DATE: August 9, 2021
5. FACT WITNESS DEPOSITION DISCOVERY will commence no earlier than: June 7, 2021  
and must be completed by: October 15, 2021
6. EXPERT WITNESSES for the PLAINTIFF will be identified by a report complying with FRCP 26(2)(B).  
DUE DATE: October 29, 2021
5. EXPERT WITNESSES for the DEFENDANT will be identified by a report complying with FRCP 26(2)(B).  
DUE DATE: November 30, 2022
6. EXPERT WITNESS DEPOSITIONS must be completed by: January 28, 2022
7. DISPOSITIVE AND NON-DISPOSITIVE MOTIONS will be filed by (but may be filed earlier): February 25, 2022

8. JOINT PRETRIAL ORDER AND MOTIONS IN LIMINE (as might be required by the Court) are due on: May 9, 2022
9. DOCKET CALL DATE will be before the Honorable Harlin D. Hale at the United States Bankruptcy Court for the Northern District of Texas, 1100 Commerce Street, 14th Floor, Courtroom #3, Dallas, TX 75242 beginning at 9:00 a.m. on: May 23, 2022
10. TRIAL will begin during this week before the Honorable Harlin D. Hale at the United States Bankruptcy Court for the Northern District of Texas, 1100 Commerce Street, 14th Floor, Courtroom #3, Dallas, TX 75242 on: June 6, 2022

###END OF ORDER###

**AGREED:**

By: /s/ Joel W. Reese

Joel W. Reese

State Bar No. 00788258

Pete Marketos

State Bar No. 24056742

Tyler J. Bexley

Texas Bar No. 24073923

**REESE MARKETOS LLP**

750 N. Saint Paul St., Suite 600

Dallas, Texas 75201-3201

214.382.9810 telephone

214.501.0731 facsimile

[joel.reese@rm-firm.com](mailto:joel.reese@rm-firm.com)

[pete.marketos@rm-firm.com](mailto:pete.marketos@rm-firm.com)

[tyler.bexley@rm-firm.com](mailto:tyler.bexley@rm-firm.com)

***Co-Counsel for Elevate Credit, Inc.***

-and -

By: /s/ Jeff P. Prostok

Jeff P. Prostok

State Bar No. 16352500

J. Robert Forshey

State Bar No. 07264200

Suzanne K. Rosen

State Bar No. 00798518

**FORSHEY & PROSTOK LLP**

777 Main St., Suite 1550

Ft. Worth, TX 76102

(817) 877-8855 Telephone

(817) 877-4151 Facsimile

[jprostok@forsheyprostok.com](mailto:jprostok@forsheyprostok.com)

[bforshey@forsheyprostok.com](mailto:bforshey@forsheyprostok.com)

[srosen@forsheyprostok.com](mailto:srosen@forsheyprostok.com)

***Co-Counsel for Elevate Credit, Inc.***

-AND-

/s James W. Walker

James W. Walker  
State Bar No. 20709600  
Ian Ross Phillips  
State Bar No. 24091239  
COLE SCHOTZ P.C.  
901 Main Street, Suite 4120  
Dallas, TX 75202  
469-557-9390 Telephone  
469-533-1587 Facsimile  
[jwalker@coleschotz.com](mailto:jwalker@coleschotz.com)

***Co-Counsel for the Hon. Russell F. Nelms (Ret.)  
as Trustee of the Think Finance Litigation Trust***

-and-

Gary H. Leibowitz (Admitted pro hac vice)  
Irving E. Walker (Admitted pro hac vice)  
H.C. Jones III (Admitted pro hac vice)  
COLE SCHOTZ P.C.  
300 E. Lombard Street, Ste. 1450  
Baltimore, MD 21202  
410-230-0660 Telephone  
410-230-0667 Facsimile  
[gleibowitz@coleschotz.com](mailto:gleibowitz@coleschotz.com)

***Co-Counsel for the Hon. Russell F. Nelms (Ret.)  
as Trustee of the Think Finance Litigation Trust***

United States Bankruptcy Court  
Northern District of Texas

Think Finance Litigation Trust,  
Plaintiff  
Elevate Credit, Inc.,  
Defendant

Adv. Proc. No. 20-03099-hdh

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: May 19, 2021

Form ID: pdf012

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 21, 2021:**

Recip ID	Recipient Name and Address
aty	+ Ian Ross Phillips, Cole Schotz P.C., 901 Main Street, Suite 4120, Dallas, TX 75202-3751
aty	+ James W Walker, Cole Schotz, PC, 901 Main Street, Suite 4120, Dallas, TX 75202-3751

TOTAL: 2

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

**The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

NONE

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 21, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 19, 2021 at the address(es) listed below:**

Name	Email Address
Gary Howard Leibowitz	on behalf of Plaintiff Think Finance Litigation Trust gleibowitz@coleschotz.com jdonaghy@coleschotz.com
Harry C Jones	on behalf of Plaintiff Think Finance Litigation Trust hjones@coleschotz.com
Irving E. Walker	on behalf of Plaintiff Think Finance Litigation Trust iwalker@coleschotz.com
J. Robert Forshey	on behalf of Defendant Elevate Credit Inc. bforshey@forsheystok.com, calendar@forsheystok.com;jgonzalez@forsheystok.com;lbreedlove@forsheystok.com;bforshey@ecf.courtdrive.com;calendar_0573@ecf.courtdrive.com
James William Walker	

District/off: 0539-3

User: mmathews

Page 2 of 2

Date Rcvd: May 19, 2021

Form ID: pdf012

Total Noticed: 2

on behalf of Plaintiff Think Finance Litigation Trust jwalker@coleschotz.com  
ahickey@coleschotz.com;amacias@coleschotz.com

Jeff P. Prostok

on behalf of Defendant Elevate Credit Inc. jprostok@forsheyprostok.com,  
lbreedlove@forsheyprostok.com;calendar@forsheyprostok.com;calendar\_0573@ecf.courtdrive.com;jprostok@ecf.courtdrive.com

Joel Wilson Reese

on behalf of Defendant Elevate Credit Inc. joel.reese@rm-firm.com,  
tammy.schenkelberg@rm-firm.com,deedee.carr@rm-firm.com

Peter D. Marketos

on behalf of Defendant Elevate Credit Inc. pete.marketos@rm-firm.com,  
tammy.schenkelberg@rm-firm.com,deedee.carr@rm-firm.com

Suzanne K. Rosen

on behalf of Defendant Elevate Credit Inc. srosen@forsheyprostok.com,  
lbreedlove@forsheyprostok.com;calendar@forsheyprostok.com;srosen@ecf.courtdrive.com;calendar\_0573@ecf.courtdrive.com

Tyler J. Bexley

on behalf of Defendant Elevate Credit Inc. tyler.bexley@rm-firm.com,  
tammy.schenkelberg@rm-firm.com,deedee.carr@rm-firm.com

TOTAL: 10